

## ALABAMA RULES OF JUDICIAL ADMINISTRATION

### Rule 29.

#### **Transcripts of judicial proceedings for appeals and other purposes; fees related to transcripts; transcripts for indigent parties; office furniture and supplies for court reporters.**

(A) *Definitions.* The following definitions apply to this rule only.

- (1) Judicial Proceeding. A "judicial proceeding" is a proceeding held before a judge, a referee, or a hearing officer in a court of record or an administrative hearing or proceeding in which a record that could be reviewed by another tribunal is created and preserved.
- (2) Court Reporter. A "court reporter" is any person currently licensed by the Alabama Board of Court Reporting, regardless of title or employment status, reporting a judicial proceeding.
- (3) Original Certified Transcript. An "original certified transcript" means the first certified transcript prepared by a court reporter pursuant to subdivision (C) of this rule. An original certified transcript includes both a paper copy and an electronic copy.
- (4) Transcript Copy. A "transcript copy" is any paper or electronic copy of the original certified transcript provided to a requestor after the fee for the original certified transcript has been charged.

(B) *Transcript Format.* Each page of the transcript of a judicial proceeding shall conform to the following format:

- (1) Paper.
  - (a) Size – Letter-size paper (8½ x 11 inches).
  - (b) Weight – Paper quality for original certified transcripts and copies should be at least 20-pound basis weight.
  - (c) Color – White paper shall be used for both original certified transcripts and copies.
- (2) Ink Color. Black ink is to be used for both original certified transcripts and copies.
- (3) Marginal Lines. Solid left and right and top and bottom marginal lines are required. All lines must be placed on the page so that the text

actually begins 1¾ inches from the left edge of the page and ends not less than ½ inch nor more than ¾ inch from the right edge of the page.

- (4) Line Numbers. Each line of transcription on a page is to be numbered, beginning with "1" and continuing consecutively to the last line of transcription on the page, which shall be at line "25."

(5) Typing.

- (a) Type quality and size – Letter quality type shall be used. The letter character size is to be no smaller than 9 characters (letters and/or spaces) per inch. This allows at least 50 characters (letters, punctuation marks, and/or spaces) per line. Courier New 12 font style and size with no scaling shall be used.

- (b) Number of lines per page – Each page of transcription is to contain 25 double-spaced lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations are not considered part of the 25 lines of text. Blank lines should not be used except where necessary to keep headings together.

- (c) Margins – Typing on each page should begin 1¾ inches from the left edge of the paper ("the left margin") and continue to ½ to ¾ inches from the right edge of the paper ("the right margin").

- (d) Capitalization – The use of uppercase and lowercase letters is preferred, but all uppercase letters may be used.

(e) Indentions.

- (1) Questions and answers (Q and A). All "Q" and "A" designations shall begin at the left margin, i.e., 1¾ inches from the left edge of the paper. The statement following the "Q" and "A" shall begin on the fifth space from the left margin. All subsequent lines shall begin no more than the fifth space from the left margin.

- (2) Colloquy. Identification of the speaker shall begin on the tenth space from the left margin, and the speaker's name shall be followed by a colon. The statement following the identification of the speaker shall begin on the third space after the colon. All subsequent lines shall begin no more than the fifth space from the left margin.

- (3) Quotations. At the discretion of the court reporter or other transcriber, quoted material, other than depositions, can begin on the tenth space from the left margin, with additional quoted lines beginning on the tenth space from the left margin, and may be indicated by the appropriate use of quotation marks.
- (4) Headings. Headings, such as "Direct Examination," shall be centered between the left margin and the right margin.
- (5) Parenthetical notations. Parenthetical notations, such as the call to order of court or the swearing in of a witness, shall begin with an open parenthesis on the fifteenth space from the left margin. All subsequent lines of the parenthetical notation shall begin no more than the fifteenth space from the left margin.
- (f) Interruptions of speech and simultaneous discussions – Interruptions of speech shall be denoted by the use of a dash at the point of interruption and again at the point the speaker resumes speaking. At the discretion of the court reporter or other transcriber, simultaneous discussions may also be noted in this manner.
- (g) Punctuation and spelling – Standard punctuation and spelling shall be used.
- (h) Parentheses – Parenthetical notations are generally enclosed in parentheses; however, brackets may be used.
- (i) Legibility – The original transcript and each copy are to be legible, with no interlineations materially defacing the transcript.
- (j) Applicability – The provisions in this rule concerning the formatting of transcripts applies to all transcripts of judicial proceedings taken by a court reporter, whether those transcripts are prepared for cases appealed to an Alabama appellate court or otherwise.
- (k) Sanctions – If a person who prepares a transcript of a judicial proceeding willfully fails to comply with the provisions of this rule, he or she shall be subject to sanctions as set out in Rule 34, Alabama Rules of Judicial Administration.

(C) *Transcript Fees for Court Reporters.* All official court reporters, special roving court reporters, special court reporters, and all other court reporters reporting a judicial proceeding, whether the transcript is prepared for the purposes of taking an appeal from the judicial proceeding or for any other purpose, shall be allowed to charge and collect fees as follows:

(1) Original Certified Transcript. One original certified transcript, which includes both a paper copy and an electronic copy, will be produced from a judicial proceeding.

(a) Except as set out in subdivisions (C)(1)(b) and (c) of this rule, when a request is made, the court reporter shall be paid a fee of \$4.50 per page for the preparation of the original certified transcript. This per-page fee includes the provision of both a paper copy and an electronic copy of the original certified transcript.

(b) In a criminal case in which the defendant has been declared indigent by the court, when a request is made, the court reporter shall be paid a fee of \$3.50 per page for the preparation of the original certified transcript. This per-page fee includes the provision of both a paper copy and an electronic copy of the original certified transcript.

(c) In a case (other than a criminal case) in which a party has been declared indigent by the court, when a request is made, the court reporter shall be paid a fee of \$3.50 per page for the preparation of the original certified transcript. This per-page fee includes the provision of both a paper copy and an electronic copy of the original certified transcript.

(2) Transcript Copy. In addition to the fees set out in subdivision (C)(1) of this rule, the court reporter shall be paid a fee for providing any additional copies of the original certified transcript as set out below:

(a) Except as set out in subdivisions (C)(2)(b) and (c) of this rule, for a paper or an electronic copy of the original certified transcript, the court reporter shall be paid a fee of \$1.00 per page. After the \$1.00 per page copy fee has been charged to the requestor, the court reporter shall provide any additional electronic copies of the original certified transcript to the same requestor at no additional charge.

(b) In a criminal case in which the defendant has been declared indigent by the court: When, pursuant to Rule 11, Alabama Rules of Appellate Procedure, a paper or electronic copy of the original certified transcript is required to be delivered to the indigent defendant or the defendant's attorney, the court reporter shall be paid a fee of \$0.50 per page. Any additional copies of the original certified transcript required by Rule 11 to be provided to the indigent defendant or the defendant's attorney shall be provided by the court reporter at no additional charge.

- (c) In a case (other than a criminal case) in which a party has been declared indigent by the court: When, pursuant to Rule 11, Alabama Rules of Appellate Procedure, a paper or electronic copy of the original certified transcript is required to be delivered to the indigent party or the party's attorney, the court reporter shall be paid a fee of \$0.50 per page. Any additional copies of the original certified transcript required by Rule 11 to be provided to the indigent party or the party's attorney shall be provided by the court reporter at no additional charge.
- (3) Rough Draft/Draft Copy. The court reporter shall be paid a fee for providing to a requestor a rough draft/draft copy of the original certified transcript that shall not exceed \$2.25 per page. The fee charged for providing the rough draft/draft copy shall be deducted from the total due for providing the same requestor the original certified transcript.
- (4) Daily, Rush, or Expedited Original Certified Transcript. Requests made of court reporters for a daily, rush, or expedited original certified transcript shall not be limited to the fees set out in subdivisions (C)(1) through (3) of this rule but shall be at a rate and upon terms that are mutually agreed to in writing by the court reporter and the requestor. In no event, however, shall the per-page fee be more than \$15.00 for rush/expedited requests or more than \$25.00 for daily requests. No fee shall be charged or collected for any subsequent request by the same requestor for any portion of the transcript previously provided pursuant to this subdivision. However, subsequent requests for additional portions of the transcript shall be controlled by the fees set out in subdivisions (C)(1) through (3) of this rule.
- (5) Transcripts for Purposes Other Than Taking an Appeal. When a request for a transcript of a judicial proceeding is made for a purpose other than taking an appeal from the judicial proceeding (and is therefore not subject to the Alabama Rules of Appellate Procedure), and that request is not for a daily, rush, or expedited copy of the original certified transcript, the priority for completion of the transcript shall be secondary to the court reporter's duties in reporting judicial proceedings and the court reporter's obligations under the Alabama Rules of Appellate Procedure regarding the completion of transcripts in that case and other cases.

(D) *Fees for Court Clerks in Appellate Cases*. Fees to be paid to the state general fund for services rendered by clerks in preparing, assembling, numbering, completing, and binding transcripts in cases on appeal, in making photocopies thereof, and in filing certificates of completion in accordance with the Alabama Rules of Appellate Procedure are as follows:

(1) For the Original Record on Appeal: \$35.00 for the first volume and \$7.00 for each volume thereafter, and \$0.50 for each page thereof required to be photocopied under the Alabama Rules of Appellate Procedure.

(2) For Photocopies of the Record on Appeal: \$0.50 per page for each copy of the record on appeal.

(E) *Indigent Parties*. The statutory provision that a court reporter shall not be required to furnish a transcript until the payment or security for providing the transcript is assured shall not have application in a case in which the court determines that the party is indigent and entitled by law to a transcript provided at state expense. Any court reporter required to produce a transcript under these circumstances may submit a "Court Reporter Fee Declaration" to the Office of Indigent Defense Services for payment from the Fair Trial Tax Fund.

(F) *Office Furniture and Supplies for Court Reporters*. Each official court reporter and each special roving court reporter shall be allocated office furniture and shall be given a budget for supplies, as determined in administrative policies established by the administrative director of courts. The furniture and supplies allocated shall be adequate to carry out the official duties of the court reporter, including the preparation of transcripts. The administrative director of courts shall establish an annual budget for supplies.

(G) *Authority to Administer the Oath*. Official court reporters, special roving court reporters, special court reporters, supernumerary court reporters, and other court reporters licensed by the Alabama Board of Court Reporting may administer an oath to a witness in a deposition or a judicial proceeding. Further, they may swear a witness remotely by the use of audiovisual or videoconferencing technology if the deposition or judicial proceeding is conducted with the use of audiovisual or videoconferencing equipment that allows the court reporter and the witness simultaneously to view and to orally communicate with each other, provided that the court reporter can positively identify the witness.

(H) *Noncompliance with Rule*. A complaint against a court reporter for alleged noncompliance with this rule shall be addressed in accordance with Rule 34, Alabama Rules of Judicial Administration.

[Amended 11-9-76, eff. 12-1-76; amended 8-1-86, eff. 10-6-86; Amended 9-28-87, eff. 10-1-87; Amended 5-4-93, eff. 6-1-93; Amended eff. 4-1-99; Amended 5-29-2009, eff. 7-1-2009; Amended 1-21-2022, eff. 5-1-2022.]

## **COMMENT**

Subdivision (A) provides for the description of the transcript.

Subdivision (B) establishes the fees that the court reporter shall be paid for each page of the original impression of the transcript and for copies thereof prepared by the court reporter.

Subdivision (C) provides for the fees payable to the state general fund for services rendered by clerks and registers in preparing records and copies for appeal.

Subdivision (D) provides that, where authorized by law, transcripts will be furnished to indigents. Transcripts must be provided to indigent defendants at state expense for the purpose of appealing criminal convictions. The right to free transcripts also applies to indigents in other situations, such as the appeal of a parental termination decision, *In re Ward*, 351 So.2d 571 (Ala.Civ.App. 1977), or where necessary “for an effective defense or appeal,” such as on retrial. *Britt v. North Carolina*, 404 U.S. 226 (1971). Although the Supreme Court held that an alternative to a trial transcript was sufficient under the narrow facts in *Britt v. North Carolina*, *supra*, the Court reiterated decisions rejecting arguments that would require the defendant (or the defendant's attorney) to rely on memory or to take notes as an alternative to a transcript. 404 U.S. at 228-29. (This paragraph of comment was revised with the June 1, 1993, amendment to reflect the changes made that date to subdivision (D)).

This rule replaces former Rule 40.

## **COMMENT TO AMENDMENT TO RULE 29, EFFECTIVE JUNE 1, 1993**

The June 1, 1993, amendment added subdivision (E). It restyled Rule 29 to more accurately reflect the contents of this rule. It added “Indigent Defendants” as the title of subdivision (D); revised that subdivision; and revised the applicable paragraph of the original comment to reflect that revision. That amendment also increased the fees set out in subdivisions (B) and (C).

Subdivision (E) provides that court reporters shall be allocated office furniture and equipment and shall be provided an annual budget for supplies, as determined in administrative policies established by the administrative director of courts.

## **COMMENT TO AMENDMENT TO RULE 29, EFFECTIVE JULY 1, 2009**

Rule 29 was rewritten to accomplish several things.

First, Rule 29(A)(5)(j) and Rule 29(B) were amended to unambiguously provide that Rule 29 applies to all requests for transcripts of court proceedings taken by official court reporters (or others performing their duties), regardless of whether the transcript was requested for purposes of an appeal or for other purposes.

Second, the standard rate for appellate transcripts is increased from \$2.25 per page to \$3.50 per page. The charge of \$3.50 per page shall include the original impression of the transcript and, where requested, an electronic version of the transcript, which shall be capable of producing an identically formatted copy of the original impression of the transcript, to be provided by the court reporter either on a computer disk or e-mailed to the requesting party, as the requesting party shall specify. In limited circumstances--i.e., when a party requests a certified print copy of the transcript or when a print copy is required to be delivered to a criminal defendant or to the defendant's attorney pursuant to Rule 11, Alabama Rules of Appellate Procedure—the court reporter may charge an additional fee of \$.50 per page for each such copy. For any other copies of the transcript required by Rule 11, Alabama Rules of Appellate Procedure, the court reporter shall not be allowed to charge an additional fee.

Third, since the Alabama Rules of Appellate Procedure do not apply to requests for transcripts not prepared for purposes of an appeal, Rule 29 as amended specifies the time allowed to the court reporter to produce such transcripts. This portion of the rule begins by stating that the production of transcripts for purposes other than an appeal is secondary in priority to the court reporter's primary obligations (a) to record court proceedings for the judge to whom the court reporter is assigned and (b) to produce appellate transcripts in accordance with the Alabama Rules of Appellate Procedure. However, where those obligations are met, the rule allows the court reporter and a party requesting a transcript for purposes other than an appeal to negotiate an agreement, subject to the approval of the judge to whom the court reporter is assigned, regarding a page rate and the time for delivery of such transcripts. If the court reporter and the requesting party cannot agree to such terms, the standard page rate of \$3.50 per page shall apply, and the transcript shall be produced and delivered within 56 days of the written request for the transcript, unless the court reporter obtains an extension of time from the court reporter's judge. In all but the most extraordinary of circumstances, such transcripts shall be produced within 91 days of the request.

Rule 29(E) was also amended. It formerly provided that court reporters were to be furnished their equipment, as well as office furniture and supplies. In



practice, the State has not provided court reporters' equipment for over a decade. The amendment to Rule 29(E) simply recognizes this reality and conforms the rule with the existing practice by deleting that portion of subsection (E) that required the State to provide equipment to court reporters.

**Comment to Amendment to Rule 29**  
**Effective May 1, 2022**

Rule 29 was amended to accomplish several objectives.

First, the new subdivision (A) provides definitions for Rule 29 not previously included. Notably, subdivision (A) defines the term "judicial proceeding." Rule 29 governs matters related to the transcription of any "judicial proceeding," as that term is defined in subdivision (A). The provisions of Rule 29 apply to only judicial proceedings that are transcribed.

Second, subdivision (B), which formerly was subdivision (A), establishes a standard format for transcripts. It has been amended to require statewide uniformity as to the font and the font size to be used in transcripts and to disallow font scaling when preparing transcripts. It has been further amended to subject a court reporter or other transcriber who willfully fails to comply with the rule to the sanctions set out in Rule 34, Ala. R. Jud. Admin. The phrase "court reporter or other transcriber" is used in this subdivision because transcripts of juvenile proceedings may be prepared by a person other than a court reporter. Rule 20, Ala. R. Juv. P., authorizes a juvenile court judge, in the event of an appeal, to select a person to transcribe an audio recording of a juvenile proceeding that was recorded using a mechanical or electronic device. As provided in Rule 20(D), Ala. R. Juv. P., the person designated to transcribe the audio recording of the juvenile proceeding is entitled to be paid the transcript fees set out in this rule.

Third, subdivision (C), which replaces former subdivision (B), establishes the fees that the court reporter shall be paid for various categories of transcripts. The per-page rate for an original certified transcript for non-indigent persons has increased from \$3.50 to \$4.50; this fee includes the provision of both a paper copy and an electronic copy. The per-page fee for a copy (paper or electronic) of the original certified transcript has increased from \$0.50 to \$1.00. The last cost increase in per-page charges was in July 2009. It should be noted that the price increases do not apply to persons declared indigent by the court; the per-page cost remains \$3.50 for an original certified transcript and \$0.50 for a copy. Additionally, subdivision (C) now provides that, when authorized by law, transcripts will be provided in cases, including cases other than criminal cases, in which a party has been declared indigent by the court.

Fourth, subdivision (E), which was formerly subdivision (D), replaces the term "indigent defendants" with the term "indigent parties." This subdivision

addresses the requirement that a transcript be provided when a court finds that a party is both indigent and entitled by law to a transcript at state expense. The term "indigent parties" is intended to include parties, in addition to indigent criminal defendants, who may be entitled under the law to a transcript at no cost to them. The use of the term "indigent parties" in this subdivision does not encompass all indigent parties and is not intended to broaden the scope of, or to conflict with, Rule 24, Ala. R. App. P. ("Proceedings in Forma Pauperis").

Fifth, subdivision (G) has been added and authorizes court reporters to administer oaths to witnesses.

Sixth, subdivision (H) has been added and establishes a process for addressing complaints against court reporters alleging noncompliance with Rule 29. Those complaints shall be addressed in accordance with Rule 34, Ala. R. Jud. Admin.

**Note from the Reporter of Decisions:** The order adopting this rule is published in that volume of Alabama Reporter that contains Alabama cases from 727 So2d.

**Note from the Reporter of Decisions:** The order amending Rule 29, effective July 1, 2009, and adopting the Comment to Amendment to Rule 29 Effective July 1, 1009, is published in that volume of Alabama Reporter that contains Alabama cases from 8 so.3d.

**Note from the reporter of decisions:** The order amending Rule 29 and adopting the Comment to Amendment to Rule 29, effective May 1, 2022, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_\_ So. 3d.